IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO.55 OF 2004

The State of Maharashtra ...Appellant.

V/s

1.Ashok Keshav Sutar
2.Balkrishna Dattu Sutar
3.Anant Maruti Sutar
4.Shrikant Anant Sutar ...Respondents.

Mr. D.P. Adsule, APP for the State.
Mr. Umesh Mankapure for respondent Nos. 1 to 4

CORAM: V.M.KANADE,J.

DATE: 21st March, 2005

P.C.:

1. The State has preferred this appeal challenging the judgment and order passed by the 4th Additional Sessions Judge, Sangli. The Additional Sessions Judge by his judgment and order dated 26/6/2003 acquitted the accused of the offences punishable under section 3(1)(x) of the Scheduled Castes and Schedules Tribes (Prevention of Atrocities) Act, and under sections 147, 148, 323 read with section 149, 504, 506 of the Indian Penal Code.

2. The prosecution case in brief is that all the accused along with 10 to 12 unknown persons on 29/2/2001 between 19.30 to 20 hours formed an unlawful assembly in furtherance of their common intention to commit rioting and assaulted the complainant with

hocky stick and abused him in the name of his caste. A complaint was filed on 30/1/2001. Statements were recorded. The accused came to be arrested. Charge-sheet was filed. A charge was framed against the accused. The accused pleaded not guilty to the charge. The Trial Court after appreciating the evidence adduced by the prosecution held that the offence was not proved beyond the reasonable doubt and, therefore, acquitted the accused.

3. The learned APP appearing for the State has taken me through the judgment and order of the Trial Court. The Trial Court has considered the evidence of all the witnesses and has given cogent reasons why the evidence of the witnesses cannot be relied upon and has taken a view that no independent witnesses have been examined. There is no seizure of weapons allegedly used in the commission of offence. The Trial Court has further observed that injury certificate has not been produced by the doctor. Further, the Trial Court has observed that P.W.1's sister and brother -in-law also have not been examined. The Trial Court has also taken into consideration that admittedly there were disputes pending between the two parties and that the accused had won elections from Takade Vasti and one of the

agenda from his manifesto was to get the disputed road sanctioned. It is an admitted position that the concerned Court has granted injunction before the incident in question. P.W. 1 was a party to the said litigation. The Trial Court has disbelieved the evidence of the prosecution witnesses. There is no reason to interfere with the said judgment and order of the Trial Court.

4. Accordingly, leave is refused. Appeal is dismissed.

V.M. KANADE, J.